

Kerala Gazette No. 15 dated 10th April 2012.

**PART II**



**SECRETARIAT OF THE KERALA LEGISLATURE**

**NOTIFICATION**

No. 918/Legn.3/2012/Leg.      *Dated, Thiruvananthapuram, 10th April 2012.*

The English Translation of the Kerala Abkari Workers' Welfare Fund (Amendment) Bill 2012 together with the Statement of Object Reasons and the Financial Memorandum is published, under Rule 69 (5) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

**P. K. MURALEEDHARAN,**  
*Secretary-in-Charge,*  
*Legislative Assembly.*

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 70**

[Translation in English of the “2012-ലെ കേരള അബ്കാരി തൊഴിലാളി ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the Authority of the Governor]

**THE KERALA ABKARI WORKERS’ WELFARE FUND**  
**(AMENDMENT) BILL, 2012**

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*BILL*

*further to amend the Kerala Abkari Workers’ Welfare Fund Act, 1989.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Abkari Workers’ Welfare Fund Act, 1989, for the purposes hereinafter appearing;

BE it enacted in the Sixty-third year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Abkari Worker’s Welfare Fund (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 1st day of January, 1990.

2. *Amendment of Section 2.*—In sub clause (ii) of clause (m) of Section 2 of the Kerala Abkari Workers’ Welfare Fund Act, 1989 (19 of 1989), the words “overtime allowance” shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

The word ‘wages’ as defined in clause (m) of Section 2 of the Kerala Abkari Workers’ Welfare Fund Act, 1989 (19 of 1989), means all emoluments which are earned by an abkari worker while on duty or on leave with wages in accordance with the terms of the contract of employment and which are paid or payable in cash to him but it does not include the cash value of any food concession, overtime allowance, bonus, commission etc.

2. Abkari institutions are working for 365 days. Therefore leave has been granted from 50 to 110 days on the basis of agreement in order to get the leave to the convenience of the workers. Leave wages are being paid to the workers who utilise the leave partially and do work for the remaining leave

days. The workers receive this leave wages in the same manner as ordinary wages by entering it in the wages register. In this industry there exists no precedent to consider as overtime work or to give double salary accordingly. The employer remits 10% of the wages, including this leave wages, as workers' contribution. In the enquiries relating to the determination of the rate of contribution, the employers are given reasonable opportunity of being heard and sufficient time for producing the documents in respect of the number of employees and the documents relating to the wages paid to them. But the employers do not utilise these opportunities. In the said enquiries they neither establish that the leave wages so paid are overtime bonus or produce documents to prove the same.

3. It is due to the possibility of misinterpreting the leave wages as overtime wages, the Kerala Abkari Workers' Welfare Fund Board had requested to amend sub-clause (ii) of clause (m) of Section 2 of the Kerala Abkari Workers' Welfare Fund Act, 1989 with retrospective effect. If the said amendment proposal is implemented, the contribution amount from 1990 needs no revision on the basis of the total amount by adding the wages and the leave wages paid to the workers. Taking into account these factors, the Government have approved the request of the Board and decided to enact legislation for the purpose.

4. This Bill is intended to achieve the above object.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

SHIBU BABY JOHN.

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